BIOLOGICAL RESOURCES ANALYSIS REPORT

FOR THE

DUMBARTON QUARRY PROPERTY

(APN: 537-851-2-2)

ALAMEDA COUNTY, CALIFORNIA

Prepared for:

CITY OF FREMONT
City of Fremont Planning Division
39555 Liberty Street, P.O. Box 5006
Fremont, California 94537-5006

Prepared by:

OLBERDING ENVIRONMENTAL, INC.
Wetland Regulatory Consultants
3170 Crow Canyon Place, Suite 260
San Ramon, California 94583

Phone: (925) 866-2111 ~ FAX (925) 866-2126
Contact: Jeff Olberding

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This report should be cited as: Olberding Environmental, Inc. March 2012. *Biological Resources Analysis Report for the Dumbarton Quarry Property, Alameda County, California.* Prepared for the City of Fremont, Fremont, California.

SUMMARY

On February 16, 2012, a field reconnaissance investigation of the Dumbarton Quarry Property (Property) was conducted for the purpose of identifying sensitive plant and wildlife species, sensitive habitats, and biological constraints. The survey area for this report incorporates approximately 91 acres within the City of Fremont, Alameda County, California.

In summary, based on the initial reconnaissance survey, it was found that the Property contains areas that exhibited positive indicators of wetland soils, hydrology and vegetation. Based on the results of our reconnaissance survey, the site contains all criteria used by the U.S. Army Corps of Engineers (Corps) to determine wetland status associated with a seasonal wetland feature located at the northeast corner of the Property.

Seven special-status plant species have the potential to occur on the Property based on California Natural Diversity Data Base (CNDDB) occurrence information. These plants include brittlescale (*Atriplex depressa*) (blooms April to October), San Joaquin spearscale *(Atriplex joaquiniana)* (blooms April to October), lesser saltsacle *(Atriplex minuscule)* (blooms May to October), Condon's tarplant *(Centromadia parryi ssp. congdonii)* (blooms May to October (November), Contra Costa goldfields *(Lasthenia conjugens)* (Blooms March to June), Saline Clover *(Trifolium hydrophilium),*(Blooms April to June), and Alkali Milk-Vetch *(Astragalus tener car. Tener),* (Blooms March to June). While our February 2012 survey resulted in a negative finding for all seven special-status species it should be noted that the survey was conducted outside of the recognized blooming or survey season for all of the species. After reviewing the available literature and performing our reconnaissance survey only two of these plants (Congdon's tarplant, and saline clover) were identified as having the potential to occur on the Property. The rational for potential occurrence was associated with the close proximity of historic occurrences of both species (less than 1.4 miles away).
Several migratory songbird and raptor species were determined to have a potential to nest and forage within the Property based on suitable habitat types and recent occurrences in the vicinity of the site. In addition, the Property and adjacent lands provide potential nesting and foraging habitat for the burrowing owl (*Athene cunicularia*), Northern harrier *(Circus cyaneus)*, white tailed kite (*Elanus leucurus)*, great blue heron *(Ardea herodias)*, and bank swallow *(Riparia riparia)*. Our survey resulted in a negative finding for burrowing owls and nesting raptors. However, pair of great horned owls were observed perched in a eucalyptus tree on the north side of the Property and also a pair of red tailed hawks were observed exhibiting courtship behavior and have a good potential of nesting on-site.

Monarch butterflies were observed in large numbers on the Property. They were observed in the eucalyptus grove on the north side of the Property.

Tree removal permits for the city of Fremont are required for any native tree or non-native tree that have exceptional adaptability to Fremont having a 10" DBH or larger also 6" DBH if on undeveloped or vacant land (Fremont 2012).

1.0 INTRODUCTION

At the request of the City of Fremont Planning Division, Olberding Environmental has conducted a biological resources analysis (biological constrains assessment) of the Property, located within the City of Fremont, Alameda County, California. This biological resources analysis includes pertinent literature on relevant background information and habitat characteristics of the site including the California Natural Diversity Database (CNDDB 2012) and the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California, and a review of information related to species of plants and animals that could potentially utilize the described habitats. A field reconnaissance investigation of the Property was conducted on February 16, 2012. This report documents the methods, results and conclusions for the reconnaissance-level surveys associated with the biological resources analysis for the Property.

2.0 LOCATION

The Property is located approximately 4.70 miles west of downtown Fremont in Alameda County. The survey area for this study is situated directly north of the toll booth for Dumbarton Bridge. Attachment 1, Figure 1 depicts the regional location of the Property in Alameda County, while Attachment 1, Figure 2 illustrates the vicinity of the Property in relationship to the City of Fremont. Attachment 1, Figure 3 identifies the location of the Property on the USGS 7.5 Quadrangle Map for Newark. An aerial photograph of the Property has been included as Attachment 1, Figure 4.

Access to the Property is attained by taking Highway-101 North towards San Francisco. Take exit 388B merging onto I-880 north towards Oakland. Take exit 21 for Decoto Road (Ca-84) towards Dumbarton Bridge. Turn left onto California west Decoto Road, after approximately 1.8 miles turn right on Ardenwood Boulevard followed by making a right onto Kaiser Drive. After travelling for about 0.6 miles turn left on Paseo Padre Boulevard at the tee intersection. You will then make your first right onto Quarry Road, the Property can be seen on the right (southeast) side. The access point onto the Property is located on the southeast corner of the Property.

3.0 PROPERTY DESCRIPTION

The Property (APN: 537-851-2-2) encompasses approximately 91 acres adjacent to Coyote Hills Regional Park to the north and the Don Edwards San Francisco Bay National Wildlife Refuge to the west. The majority of the Property consists of an aggregate quarry which has recently suspended operations. A large excavation pit (quarry) occurs in the center of the Property. The quarry is approximately 300 feet deep with ponded water covering the bottom portions of the excavated pit. Steep embankments composed of barren rock surround the quarry. The majority of the site east of the quarry has been heavily impacted in association with general quarry operations including storage, processing and transport of rock. These activities have created large amounts of exposed dirt and rock. Currently there are no structures on the Property with the exception of a portable metal storage shed near the entrance of the Property (see Attachment 3, Site Photographs).

Immediately northwest and west of the Property are moderately steep sloped hills associated with Coyote Hills Regional Park. This park is owned and operated by East Bay Regional Parks. Land uses to the north and east consists of undeveloped property containing seasonal wetlands with shallow pools that are restricted to limited tidal action. Southwest of the Property is the Don Edwards San Francisco Bay National Wildlife Refuge. Highway 84 and the Dumbarton Bridge toll border the Property to the south. Paseo Padre Parkway occurs 0.38 miles to the east while Patterson Ranch Road sits approximately 0.63 miles to the north.

The southern, northern and western portions of the Property remain undeveloped supporting several different plant community types. The majority of the undeveloped portion of the Property is composed of non-native ruderal annual grasslands containing scattered eucalyptus trees. This habitat type is generally confined to the northern and western portions of the site. Remnant coastal sage scrub occurs to the south. This habitat type includes California sagebrush *(Artemisia californica),* toyon (*Heteromeles arbutifolia*) and coyote brush *(Baccharis pilularis)* but is dominated primarily by non-native and invasive black mustard (*Brassica nigra*), poison hemlock *(Conium maculatum),* yellow star thistle *(Centaurea solstitialis),* wild oat (*Avena fatua*), and rip-gut brome *(Bromus diandrus).* Several ornamental trees (*Juniperus sp.*) were also observed on the eastern Property boundary. Chain link fencing serves as a property boundary on the south end separating the Property from the adjacent Newark Slough trail. A seasonal wetland features was observed in the northeastern corner of the Property. This feature was dominated by pickleweed (*Salicornia pacifica)* intermixed with coyote brush *(Baccharis pilularis)* and poison hemlock (*Conium maculatum*). At the time of the survey shallow ponding occurred with exposed dry mudflat areas.

Elevation on the Property range from 118 to 46 feet from north to south, respectively, and from 235 feet to 20 feet from west to east, respectively. The topographical variations of the site favor a drainage system towards the southern end of the Property. Much of the surface water runoff drains into the quarry pit on the western side of the Property as well as draining into the adjacent wetland areas to the south just beyond the Property boundary.

4.0 REGULATORY SETTING

4.1 Federal Regulatory Setting

4.1.1 Plants and Wildlife

The federal Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq., as amended) prohibits federal agencies from authorizing, permitting, or funding any action that would result in biological jeopardy to a plant or animal species listed as Threatened or Endangered under the Act. Listed species are taxa for which proposed and final rules have been published in the Federal Register (U.S. Fish and Wildlife Service [USFWS], 2011b). If a proposed project may jeopardize listed species, Section 7 of the ESA requires consideration of those species through formal consultations with the USFWS. Federal Proposed species (USFWS 2011a) are species for which a proposed listing as Threatened or Endangered under ESA has been published in the Federal Register. If a proposed

project may jeopardize proposed species, Section 7 of the ESA affords consideration of those species through informal conferences with USFWS. The USFWS defines federal Candidate species as "those taxa for which we have on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded by other higher priority listing actions" (USFWS, 2007c). Federal Candidate species are not afforded formal protection, although USFWS encourages other federal agencies to give consideration to Candidate species in environmental planning.

4.1.2 Wetlands/Waters

The federal government, acting through the Corps and the Environmental Protection Agency (EPA), has jurisdiction over all "waters of the United States" as authorized by §404 of the Clean Water Act (CWA) and §10 of the Rivers and Harbors Act of 1899 (33 CFR Parts 320-330). Projects that cause the discharge of dredged or fill material into waters of the United States require permitting by the Corps. Actions affecting small areas of jurisdictional waters of the United States may qualify for a Nationwide Permit (NWP), provided conditions of the permit are met, such as avoiding impacts to threatened or endangered species or to important cultural sites. Projects that affect larger areas or which do not meet the conditions of an NWP require an Individual Permit. The process for obtaining an Individual Permit requires a detailed alternatives analysis and development of a comprehensive mitigation and monitoring plan.

Waters of the United States are classified as wetlands, navigable waters, or other waters. Wetlands are transitional habitats between upland terrestrial areas and deeper aquatic habitats such as rivers and lakes. Under federal regulation, wetlands are defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR Part 328.3[b]). Swamps, marshes, bogs, fens and estuaries are all defined as wetlands, as are seasonally saturated or inundated areas such as vernal pools, alkali wetlands, seeps, and springs. In addition, portions of the riparian habitat along a river or stream may be a wetland where the riparian vegetation is at or below the ordinary high water mark and thus also meets the wetland hydrology and hydric soil criteria.

Navigable waters include all waters subject to the ebb and flow of the tides, including the Open Ocean, tidal bays, and tidal sloughs. Navigable waters also include some large, non-tidal rivers and lakes, which are important for transportation in commerce. The jurisdictional limit over navigable waters extends laterally to the entire water surface and bed of the waterbody landward to the limits of the mean high tide line. For non-tidal rivers or lakes, which have been designated (by the Corps) to be navigable waters, the limit of jurisdiction along the shoreline is defined by the ordinary high water mark. Other waters refer to waters of the United States other than wetlands or navigable waters. Other waters include streams and ponds, which are generally open water bodies and are not vegetated. Other waters can be perennial or intermittent water bodies and waterways. The Corps regulates other waters to the outward limit of the ordinary high water mark. Streams should exhibit a defined channel, bed and banks to be delineated as other waters.

The Corps does not generally consider “non-tidal drainage and irrigation ditches excavated on dry land” to be jurisdictional waters of the United States (and such ditches would therefore not be regulated by the Corps (33 CFR Parts 320-330, November 13, 1986). Other areas generally not considered jurisdictional waters include: 1) artificially irrigated areas that would revert to upland habitat if the irrigation ceased; 2) artificial lakes and ponds created by excavating and/or diking of dry land to collect and retain water, used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing; 3) waste treatment ponds; 4) ponds formed by construction activities including borrow pits until abandoned; and 5) ponds created for aesthetic reasons such as reflecting or ornamental ponds (33 CFR Part 328.3). However, the preamble also states that “the Corps reserves the right on a case-by-case basis to determine that a particular waterbody within these categories” can be regulated as jurisdictional water. The EPA also has authority to determine jurisdictional waters of the U.S. on a case-by-case basis. Riparian habitat that is above the ordinary high water mark and does not meet the three-parameter criteria for a wetland would not be regulated as jurisdictional waters of the United States.

4.1.3 Migratory Bird Treaty Act

Raptors are migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1 - August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) or the loss of habitat upon which the birds depend is considered "take" and is potentially punishable by fines and/or imprisonment. Such taking would also violate federal law protecting migratory birds (e.g., MBTA).

4.2 State Regulatory Setting

4.2.1 Plants and Wildlife

Project permitting and approval requires compliance with California Environmental Quality Act (CEQA), the 1984 California Endangered Species Act (CESA), and the 1977 Native Plant Protection Act (NPPA). The CESA and NPPA authorize the California Fish and Game Commission to designate Endangered, Threatened and Rare species and to regulate the taking of these species (§§2050-2098, Fish & Game Code). The California Code of Regulations (Title 14, §670.5) lists animal species considered Endangered or Threatened by the State.

The Natural Heritage Division of the CDFG administers the state rare species program. The CDFG maintains lists of designated Endangered, Threatened, and Rare plant and animal species (CDFG 2011a, b). Listed species either were designated under the NPPA or designated by the Fish and Game Commission. In addition to recognizing three levels of endangerment, the CDFG can afford

interim protection to candidate species while they are being reviewed by the Fish and Game Commission.

The CDFG also maintains a list of animal species of special concern (CDFG 2011b), most of which are species whose breeding populations in California may face extirpation. Although these species have no legal status, the CDFG recommends considering them during analysis of proposed project impacts to protect declining populations and avoid the need to list them as endangered in the future.

Under the provisions of §15380(d) of the CEQA Guidelines, the project lead agency and CDFG, in making a determination of significance, must treat non-listed plant and animal species as equivalent to listed species if such species satisfy the minimum biological criteria for listing. In general, the CDFG considers plant species on List 1A (Plants Presumed Extinct in California), List 1B (Plants Rare, Threatened, or Endangered in California and elsewhere), or List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere) of the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (Skinner and Pavlik 1994) as qualifying for legal protection under §15380(d). Species on CNPS List 3 or 4 may, but generally do not, qualify for protection under this provision.

Sensitive habitats include riparian corridors, wetlands, critical habitats for legally protected species and CDFG Species of Special Concern, areas of high biological diversity, areas providing important wildlife habitat, and unusual or regionally restricted habitat types. Habitat types considered sensitive include those listed on the CNDDB working list of "high priority" habitats (i.e., those habitats that are rare or endangered within the borders of California) (Holland 1986).

4.2.2 Wetlands/Waters

The RWQCB regulates activities in wetlands and other waters through §401 of the Clean Water Act. Section 401 requires a state water quality certification for projects subject to 404 regulation. Requirements of the certification include mitigation for loss of wetland habitat. In the San Francisco Bay region, the RWQCB may take the lead over the Corps in determining wetland mitigation requirements. California Fish and Game Code §§1600-1607 require the CDFG be notified of any activity that could affect the bank or bed of any stream that has value to fish and wildlife. Upon notification, the CDFG has the discretion to execute a Streambed Alteration Agreement. The CDFG defines streams as follows:

> *"... a body of water that flows at least periodically...through a bed or channel having banks and supporting fish and other aquatic life. This includes watercourses having a subsurface flow that supports or has supported riparian vegetation."*
> (Stream Bed Alteration Program, California Department of Fish and Game).

In practice, CDFG authority is extended to any "blue line" stream shown on a USGS topographic map, as well as unmapped channels with a definable bank and bed. Wetlands, as defined by the Corps, need not be present for CDFG to exert authority.

4.2.3 City of Fremont Tree Ordinance

The City of Fremont has a Tree Ordinance (Ordinance Number: 2481, Chapter 5 of the municipal Code), which regulates the removal of trees. The City's Tree Ordinance seeks:

> …to protect and preserve trees by regulating their removal and damage to them; to prevent unnecessary tree loss and damage; to minimize environmental damage from improper tree removal or pruning; to encourage or, when appropriate, to require replacement plantings; to effectively enforce tree preservation regulations; and to promote the appreciation and understanding of trees.

"Ordinance-size trees" that require a permit or other authorization for removal, damage or relocation include the following:

1. 18" diameter at breast height (DBH) or larger of any species, except commercial-type fruit or nut bearing trees;
2. A Native tree or non-native tree that have exceptional adaptability to Fremont having a 10" DBH or larger;
3. 6" DBH if on undeveloped or vacant land;
4. Any size DBH of any species if it was not required in previous development approval;
5. Located within any non-single family home lot in Fremont;
6. Located within any single family home lot 10,000 square feet or less;

Also further protecting its city's trees, Fremont places great value in promoting and protecting its historical or landmark trees. Landmark trees have been defined as:

1) Trees with trunk diameters over 4.5 feet when measured 4.5 feet from ground level;
2) Excellent structure or unique structural character;
3) Excellent health;
4) High aesthetic appeal;
5) Good longevity;

5.0 METHODS OF ANALYSIS FOR GENERAL BIOLOGICAL RESOURCES

A special-status plant and wildlife species database search and review was conducted using the CNDDB and other sources. An additional search was conducted for special-status plants using California Native Plant Society Inventory on-line (CNPS). Special-status species reports were accessed by searching the CNDDB database for the Newark USGS 7.5 minute quadrangle and adjacent quadrangle maps, and by examining those species that have been identified in the vicinity of the Property. The database report identified special-status species known to occur in the region or those that have the potential to occur in the vicinity of the Property. The CNDDB report was used to focus special-status species analysis of the site prior to the reconnaissance surveys.

Olberding Environmental biologists conducted a reconnaissance-level survey of the Property on February 16, 2012. The survey consisted of walking transects throughout the Property and evaluating the site and adjacent lands for potential biological resources. Existing conditions, observed plants and wildlife, adjacent land use, soils and potential biological resource constraints were recorded during the visit. Plant and wildlife species observed within and adjacent to the Property during the reconnaissance survey are included in Attachment 2, Table 1.

The objectives of the field survey was to determine the potential presence or absence of special-status species habitat listed in the CNDDB database report and to identify any wetland areas that could be potentially regulated by the Corps. In addition, the Olberding Environmental biologist looked for other potential sensitive species or habitats, which may not have been obvious from background database reports or research. Surveys conducted after the growing season or conducted outside of the specific flowering period for a special-status plant cannot conclusively determine the presence or absence of such plant species; therefore, site conditions and habitat type were used to determine potential for occurrence. When suitable habitat was observed to support a special-status plant or animal species it was noted in the discussion for that particular species. Regulatory agencies evaluate the possibility of occurrence based on habitats observed on-site and the degree of connectivity with other special-status animal habitats in the vicinity of the Property. These factors are discussed in each special-status plant or animal section. Potential for occurrence of each special-status or protected plant and animal species was evaluated using the following criteria.

- **Present**: The species has been recorded by CNDDB or other literature as occurring on the Property and/or was observed on the Property during the reconnaissance survey or protocol surveys.
- **May Occur**: The species has been recorded by CNDDB or other literature as occurring within five miles of the Property, and/or was observed within five miles of the Property, and/or suitable habitat for the species is present on the Property or its immediate vicinity.
- **Not Likely to Occur**: The species has historically occurred on or within five miles of the Property, but has no current records. The species occurs within five miles of the Property but only marginally suitable habitat conditions are present. The Property is likely to be used only as incidental foraging habitat or as an occasional migratory corridor.
- **Presumed Absent**: The species will not occur on the Property due to the absence of suitable habitat conditions, and/or the lack of current occurrences. Alternatively if directed or protocol-level surveys were done during the proper occurrence period and the species was not found it will be presumed absent.

Sources consulted for agency status information include USFWS (2010a, b) for federally listed species and CDFG (2010a) for State of California listed species. Based on information from the above sources, Olberding Environmental developed a target list of special-status plants and animals with the potential to occur within or in the vicinity of the Property (Attachment 2, Table 2).

5.1 Soils Evaluation

The soils present on a Property may determine if habitat on the site is suitable for certain special-status plants and animals. The host plants of some special-status invertebrates may also require specific soil conditions. In the absence of suitable soil conditions, special-status plants or animals requiring those conditions would be presumed absent. Information regarding soil characteristics for the Property was obtained by viewing the Natural Resources Conservation Service (NRCS) Web Soil Survey report for the Property (NRCS 2012).

5.2 Plant Survey Methods

The purposes of the botanical surveys were (1) To characterize the habitat types (plant communities) of the study area; (2) to determine whether any suitable habitat for any special-status plant species, occurs within the study area; and (3) to determine whether any sensitive habitat types (wetlands) occur within the study area. Site conditions and plant habitat surveys are important tools in determining the potential occurrence of plants not recorded during surveys (e.g., special-status plants) because presence cannot conclusively be determined if field surveys are conducted after the growing season or conducted outside a specific flowering period.

5.2.1 Review of Literature and Data Sources

Olberding Environmental conducted focused surveys of literature and special-status species databases in order to identify special-status plant species and sensitive habitat types with potential to occur in the study area. Sources reviewed include: CNDDB occurrence records (CNDDB 2012) and CNPS *Inventory* (Skinner and Pavlik 1994) for the Dublin, Hayward, Milpitas, Mountain View, Niles and Newark USGS 7.5 quadrangles; and standard flora (Hickman 1993). From the above sources, a list of special-status plant species with potential to occur in the Property vicinity was developed (Attachment 2, Table 2).

5.2.2 Field Surveys

Biologists from Olberding Environmental conducted a reconnaissance-level survey to determine habitat types and the potential for special-status plants based on the observed habitat types. All vascular plant species that were identifiable at the time of the survey were recorded and identified using keys and descriptions in Hickman (1993).

The habitat types occurring on the Property were characterized according to pre-established categories. In classifying the habitat types on the site, the generalized plant community classification schemes of *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995) were consulted. The final classification and characterization of the habitat types of the study area were based on field observations.

5.3 Wildlife Survey Methods

The purposes of the wildlife surveys were to identify special-status wildlife species and/or potential special-status wildlife habitats within the study area.

5.3.1 Review of Literature and Data Sources

A focused review of literature and data sources was conducted in order to determine which special-status wildlife species had potential to occur in the vicinity of the Property. Current agency status information was obtained from USFWS (2010b, c) for species listed as Threatened or Endangered, as well as Proposed and Candidate species for listing, under the federal ESA; and from CDFG (2010a, b) for species listed as Threatened or Endangered by the state of California under the CESA, or listed as "species of special concern" by CDFG. From the above sources, a list of special-status wildlife species with potential to occur in the Property vicinity was developed (Attachment 2, Table 2).

5.3.2 Field Surveys

General Wildlife Survey – An Olberding Environmental biologist conducted a survey of species habitat within the entire study area, including visible portions of the adjacent properties, on February 16, 2012. The purpose of the habitat survey was to evaluate wildlife habitats and the potential for any protected species to occur on or adjacent to the Property.

Reconnaissance-Level Raptor Survey – A reconnaissance-level raptor survey was conducted in the Property on February 16, 2012. Observation points were established on the periphery of the site to view raptor activity over a fifteen to thirty-minute time period. This survey was conducted with the use of binoculars and notes were taken for each species occurrence. Additionally, utility poles and perch sites in the vicinity of the Property were observed. All raptor activity within and adjacent to the Property was recorded during the reconnaissance-level observation period.

Reconnaissance-Level Burrowing Owl (Athene cunicularia) Survey – Reconnaissance-level burrowing owl (*Athene cunicularia*) surveys were also conducted in the Property on February 16, 2012 to identify potential burrow sites or burrowing owl use of on-site habitat. The general presence and density of suitable burrow sites (e.g., rodent burrows) was evaluated for the Property. Rodent burrows encountered during the site visit were investigated for presence of potential burrowing owl residence. Each potential burrow observed was evaluated for the presence of castings, whitewash, bones, feathers or other signs of burrowing owl habitation. Observations were recorded. Utility poles and any potential perching sites were investigated for signs of castings at the base of the posts.

6.0 RESULTS FOR GENERAL BIOLOGICAL RESOURCES

The search and review of the CNDDB database reports revealed the occurrence of special-status plant and wildlife species that occur in the habitats found within the Property boundaries (CNDDB 2012). The CNDDB database and background data were reviewed for the Dublin, Hayward,

Milpitas, Mountain View, Newark and Niles 7.5 minute quadrangles (Attachment 2, Table 2). Those animals listed in Attachment 2, Table 2 were reviewed for their potential to occur on the Property based on general habitat types. Most of the plant and several of the animal species identified by the CNDDB in the quadrangles require a specific habitat microclimate that was found not to occur within the Property.

6.1 Soil Evaluation Results

The NRCS (2012) reports one soil type within the Property. A detailed map of this soil type can be found in Attachment 1, Figure 7. The soils mapped included the following types:

- **110: Contra clay loam, 30 to 50 percent slopes –** This series occurs at elevations of 400 to 3,800 feet. The composition this soil type within the Property consists of 85 percent Contra Costa and similar soils and 15 percent of minor components including Vallecitos (5%) and Unnamed, gravelly (5%).

  The Contra Costa loam series consists of well drained soils. These soils are typically found on 30 to 50 percent slopes and have a depth to restrictive layer of 20 to 40 inches to lithic bedrock. Due to soils having good draining properties the potential of ponding and flooding is none.

- **133: Pescadero clay, drained, 0 to 2 percent slopes –** This series occurs at elevations of 10 to 100 feet. The composition of this soil is 85 percent Pescadero and similar soils and 15 percent of minor components including Willows (10%) and Omni (5%).

  The Pescadero clay series consist of poorly drained soils that are alluvium derived from sedimentary rock. They are typically found along rims. These soils are found on very minimal slopes of 0 to 2 percent. The depth at which the restrictive layer occurs is more than 80 inches. The water table occurs at about 48 to 72 inches and flooding is rare and ponding is none. This soil type is slightly saline to moderately saline (8.0 to 16.0 mmhos/cm) and has a low available water capacity of about 4.9 inches.

- **134: Pescadero clay, ponded, 0 to 2 percent slopes** – This series occurs at elevations of 10 to 1,000 feet. The composition of this soil type within the Property consists of 85 percent Pescadero and similar soils and 15 percent minor components including Omni (10%) and Reyes (10%).

  These soils usually form along rims and are alluvium derived from sedimentary rock. This soil typically occurs on low gradient slopes of 0 to 2 percent. This is a poorly drained soil and has a shallow water table of about 18 to 36 inches. This is an area that receives frequent flooding but does not usually support ponding. This soil is also moderately saline and has a very low available water capacity of about 2.4 inches.

- **138: Reyes clay, ponded, 0 to 2 percent slopes –** The composition of this soil type within the Property consists of 85 percent Reyes and similar soils and 15 percent minor components including unnamed (10%, strongly saline marshes) and Pescadero (5%).

  The parent material for this soil type drives from alluvium and sedimentary rock deposits. These soils are very poorly drained and the frequency of ponding and flooding is frequent. The soil is moderately saline (16.0 mmhos/cm), has a maximum sodium adsorption ratio of 25.0 and has a very low available water capacity.

- **153: Vallecitos-Rock outcrop complex, 30 to 50 percent slopes –** These soils exist at elevations of 100 to 300 feet. The composition of this soil type within the Property consists of 75 percent Vallecitos and similar soils and 10 percent minor components including Contra Costa (10%)

6.2 Plant Survey Results

6.2.1 Floristic Inventory and Habitat Characterization

In classifying the habitat types on the Property, generalized plant community classification schemes were used (Sawyer and Keeler-Wolf 1995). The final classification and characterization of the habitat types of the study area were based on field observations.

The Property supports three habitat types that consist of non-native ruderal annual grassland, coastal sage scrub and wetland habitat. The majority of the property would be classified as developed consisting of barren rock or soil with no plant cover. These habitat types are described in further detail below. A description of the plant species present within these habitat types are provided below. Dominant plant species are noted. A complete list of plant species observed on the Property can be found in Attachment 2, Table 1.

Non-Native and Native Grassland Habitat - Non-native and native grassland habitat dominates the west and north portions of the Property which are characterized by grass and forb species such as the non-native yellow starthistle, wild oat (*Avena fatua*), and Italian ryegrass (*Lolium multiflorum*). Intermixed within these non-native grasses are remnants of native bunch grass grassland dominated by needle grass (*stipa sp.).* Several trees and shrubs occur within the Property boundaries which include coast live oak *(Quercus agrifolia)*, blue gum *(Eucalyptus globulus)*, Arroyo willow (*Salix lasiolepis*), blackwood acacia (*Acacia melanoxylon*), and coyote brush (*Baccharis pilularis)* (Attachment 1, Figure 4).

Coastal Sage Scrub and Eucalyptus Grove Habitat - Coastal sage scrub dominates the majority of the south portion of the Property and is characterized by California sagebrush *(Artemisia californica)*, toyon (*Heteromeles arbutifolia*) and coyote brush *(Baccharis pilularis)*. There are a several eucalyptus groves that occur on the Property. The smaller of the two groves sits on the west portion of the property dominated by blue gum *(Eucalyptus globulus).* The largest of the two groves covers a large area on the north portion of the Property dominated by blue gum intermixed with

blackwood acacia (*Acacia melanoxylon*), poison hemlock and yellow star-thistle (*Centaurea solstitialis*).

Pickweed Marsh/seasonal Wetland Habitat - Located on the northeast corner of the Property is a seasonal pickleweed marsh dominated by pickleweed (*Salicornia pacifica)* intermixed with coyote brush *(Baccharis pilularis)* and poison hemlock (*Conium maculatum*). At the time of the survey shallow ponding occurred with exposed dry mudflat areas.

6.2.2 Special-Status Plant Species

Special-status plant species include species listed as Rare, Threatened, or Endangered by the USFWS (2010a) or by the State of California (CDFG 2010a). Federal Proposed and Candidate species (USFWS 2010b) are also special-status species. Special-status species also include species listed on List 1A, List 1B, or List 2 of the CNPS Inventory (Skinner and Pavlik, 1994; CNPS 2012). All species in the above categories fall under state regulatory authority under the provisions of CEQA, and may also fall under federal regulatory authority. Considered special-status species are species included on List 3 (Plants About Which We Need More Information—A Review List) or List 4 (Plants of Limited Distribution—A Watch List) of the CNPS *Inventory*. These species are considered to be of lower sensitivity and generally do not fall under specific state or federal regulatory authority. Specific mitigation considerations are not generally required for List 3 and List 4 species.

Attachment 2, Table 2 includes a list of special-status plants with the potential to occur within or in the immediate vicinity of the Property based on a review of the USGS 7.5 minute quadrangles for Dublin, Hayward, Milpitas, Mountain View, Newark and Niles. The special-status plant species identified by the CNDDB as potentially occurring on the Property are known to grow only from specific habitat types. The specific habitats or "micro-climate" necessary for many of the plant species to occur are not found within the boundaries of the Property. The habitats necessary for the CNDDB reported plant species consist of valley and foothill grassland, cismontane woodlands, chaparral, playas, chenopod scrub, adobe clay soils, alkaline soils, serpentine soils, sandy soils, gravelly soils, coastal prairie, coastal scrub, coastal dunes, coastal bluff scrub, coastal salt marsh, vernal pools, seeps, meadows and sinks, marshes or swamps, riparian woodlands, on slopes near drainages, closed cone coniferous forest, north coast coniferous forest, redwood forest, lower montane coniferous forest, and broadleafed upland forest.

Occurrences of special-status plants within a five-mile radius of the point roughly representing the center of the Property are described in detail. Occurrence distance from the Property is estimated from this center point (Attachment 1, Figure 6).

Alkali Milk-Vetch *(Astragalus tener car. Tener)*. CNPS List 1B.

Alkali milk-vetch is endemic to California where it grows in both coastal and inland areas especially in moist places. This species occurs in playas with the habitats consisting of valley, foothill grassland and vernal pools. This annual herb produces upright stems up to 30 centimeters tall. The leaves are up to nine centimeters in length and made up of several lance-shaped to oval leaflets. The inflorescence is a

dense cluster of pinkish-purple whit-smudged flowers. The fruit is a narrow legume pod up to five centimeters long and usually containing two smooth seeds.

The most recent occurrence of this species in the vicinity of the Property occurred in 2002 with an unknown day and month (Occurrence #7), adjacent to Bunche Drive, roughly 6.04 miles southeast of the Property. The wetland habitat and soils present on the Property are considered marginally suitable to support this species as it generally occurs within saline habitat or playas. This species has not been recorded in the vicinity of the Property in over 10 years. The closes sighting was over 6 miles away. Reconnaissance surveys conducted in February 2012 were performed outside the recognized blooming period for this species. However, due to lack in recent sightings in the vicinity of the Property this species is not likely to occur on the.

Brittlescale (*Atriplex depressa*). CNPS List 1B.

This is a species of saltbush know by the common name of brittlescale. This species is a dicot and a small annual herb that is endemic to California producing low-lying stems up to about 20 centimeters long. It is whitish and scaly and brittle. The scaly white leaves are oval to heart-shaped, pointed, and less than a centimeter long. The inflorescences hold male or female flowers, which are small, hard clusters of flowers. It occurs in communities of shadscale scrub, valley grassland, alkali sinks, and riparian wetlands typically found in playas and vernal pools.

The most recent occurrence of this species in the vicinity of the Property occurred on July 7, of 2004 (Occurrence #67), adjacent to Cushing Parkway, roughly 6.7 miles southeast of the Property. The wetland habitat and soils present on the Property are considered marginally suitable to support this species as it generally occurs within saline habitat or playas. Reconnaissance surveys conducted in February 2012 did not observe this plant on the site. It should be noted that the February 2012 survey was performed outside the recognized blooming or survey period for this species. Due to the lack of recent sightings and the proximity of the sighting (over 6 miles away), this species is not likely to occur on the Property.

San Joaquin Spearscale (*Atriplex joaquiniana*). CNPS List 1B.

The San Joaquin spearscale also known as the San Joaquin saltbush is endemic to California where it grows in alkaline soils and is known to occur in the Alameda county area. It is an annual herb growing to a maximum height of about one meter. The leaves are 1 to 7 centimeters in length, often scaly, green to gray-green in color, and oval to triangular in shape. The leaves are mostly located lower on the erect plant; those further up the stem are reduced in size. The inflorescences of male flowers are dense, heavy spikes, and the female flowers are held in smaller clusters.

The most recent occurrence of this species in the vicinity of the Property occurred on July 7, 2011 (Occurrence #54), adjacent to Bunche Drive, roughly 6.06 miles southeast of the Property. The wetland habitat and soils present on the Property are considered marginally suitable to support this species as it generally occurs within saline habitat or playas. Reconnaissance surveys conducted in February 2012 did not observe this plant on the site. It should be noted that the February 2012 survey

was performed outside the recognized blooming or survey period for this species. Due to the proximity of the most recent sighting (over 6 miles away), this species is not likely to occur on the Property.

Lesser Saltscale *(Atriplex minuscule)*. CNPS List 1B.

Lesser saltscale is an annual plant belonging to the goosefoot family with blooming periods extending from May to October. It has many upright, reddish stems with spreading, brittle branches. The leaves are oval in shaped, white-scaly below and green above, with smooth margins. Typically the leaf arrangement is opposite on the upper branches and alternate towards the lower part of the stem. The individual flowers of all *Atriplex* species are inconspicuous because they are tiny and have no petals. This species typically grows on sandy soils in alkaline areas at elevations of less than 100 m, often in association with slough systems and river floodplains. However, it is found only in microhabitats that are not inundated year-round. This species has been found in the Valley Sink Scrub, Valley Sacaton Grassland, and Non-native Grassland natural communities.

The most recent occurrence of this species in the vicinity of the Property occurred on July 30, 2003 (Occurrence #43), adjacent to Cushing Parkway, roughly 6.78 miles southeast of the Property. The wetland habitat and soils present on the Property are considered marginally suitable to support this species as it generally occurs within playas with the habitat consisting of foothill grasslands with soils that are sandy and alkaline. Reconnaissance surveys conducted in February 2012 did not observe this plant on the site. It should be noted that the February 2012 survey was performed outside the recognized blooming or survey period for this species. Due to the lack of recent sightings and the proximity of the sighting (over 6 miles away), this species is not likely to occur on the Property.

Congdon's Tarplant (*Centromadia parryi ssp. condonii)* CNPS List 1B.

Congdon's tarplant is a small spiny annual which prefers moist clay soils usually flowering during the late spring and early summer. It is typically found in grasslands, seasonal wetlands and valleys with alkaline soils.

There have been three locations identified by the CNDDB to occur in the vicinity of the Property. On August 8, 2011 the species was identified approximately 6.55 miles to the southwest of the Property (Occurrence #89), also on November 7, 2003 approximately 1.39 miles to the southeast (Occurrence #60) and again on September 11, 2010, 7.2 miles to the south (occurrence #53). According to the USDAs' soil map survey website, this Property does contain alkaline and clay type soils. Reconnaissance surveys conducted in February 2012 did not observe this plant on the site. It should be noted that the February 2012 survey was performed outside the recognized blooming or survey period for this species. An occurrence of this species in 2003 was recorded within 1.39 miles of the Property. Due to the close proximity of this occurrence and presence of suitable habitat this species may occur on site.

Contra Costa Goldfields (*Lasthenia conjugens)* CNPS 1B.

Contra Costa goldfields is a wildflower endemic. This annual herb typically flowers from March through June, and its colonies grow in vernal pool habitats at elevations not exceeding 100 meters

above sea level. Even though this plant is found almost exclusively in vernal pools, its behavior in controlled experiments indicates it prefers less than complete inundation. This implies that the plant actually prefers a theoretically drier environment to a certain extent.

There have been two locations identified by the CNDDB to occur in recent times in the vicinity of the Property. On April 3, 2003 the species was identified approximately 6.19 miles to the southeast of the Property (Occurrence #30) adjacent to Boscell Road and on April 26, 2001 approximately 7.12 miles to the southeast (Occurrence #29) located near Northport Loop West road. Reconnaissance surveys conducted in February 2012 did not observe this plant on the site. It should be noted that the February 2012 survey was performed outside the recognized blooming or survey period for this species. Due to the lack of recent sightings and the proximity of the sighting (over 6 miles away), this species is not likely to occur on the Property.

Saline Clover *(Trifolium hydrophilium)* CNPS 1B.

Saline Clover is an annual dicot that is native to California and is a small annual herb growing upright or decumbent in form with a blooming period from April to June. The leaves are made up of oval leaflets up to 2 centimeters long which are smooth, toothed, lobed, or blunt-tipped. The inflorescence is a head of flowers up to 1.5 centimeters long. The flower has a pinkish purple white-tipped corolla up to a centimeter long. It becomes inflated as the fruit developed.It occurs in an elevation range of 0 to 300 meters and has a blooming period from April to June. This plant occurs in marshes, swamps, valleys, foothill grasslands and vernal pools contained in more mesic environments and alkaline soils.

There one location identified by the CNDDB to occur in past ten years in the vicinity of the Property. On April 10, 2004 the species was identified approximately 1.37 miles to the southeast of the Property (Occurrence #27) located on Willow Street in Newark, just north of the railroad tracks. Reconnaissance surveys conducted in February 2012 did not observe this plant on the site. It should be noted that the February 2012 survey was performed outside the recognized blooming or survey period for this species. An occurrence of this species in 2003 was recorded within 1.37 miles of the Property. Due to the close proximity of this occurrence and presence of suitable habitat this species may occur on site.

6.3 Wildlife Survey Results

6.3.1 General Wildlife Species and Habitats

A complete list of wildlife species observed within the Property can be found in Attachment 2, Table 1. Wildlife species commonly occurring within habitat types present on the Property are discussed below:

Non-Native and Native Grassland Habitat - Seeds and vegetation provided by the non-native and native grassland habitats provide an abundance of foraging opportunities for a variety of animals. Mammal species observed (including tracks, scat, and/or burrows) on the Property include raccoon (*Procyon lotor*), red fox (*Vulpes vulpes),* Botta's pocket gopher (*Thomomys bottae),* Vole (*Microtis*

sp.), field mouse (*Peromyscus sp.),* eastern gray squirrel (*Sciurus carolinensis),* white-tailed deer (*Odocoileus virginianus),* striped skunk (*Mephitis mephitis*) and black-tailed jackrabbit (*Lepus californicus)*. Other mammals that might be expected to occur in this habitat include opossum (*Didelphis virginiana*).

House finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), and mourning dove (*Zenaida macroura*), were observed during the survey. Shrubs and small oaks that would usually provide suitable nesting habitat for songbirds occurred in dense patches along the southern boundary as well as in the large eucalyptus grove to the north and overall provided quality nesting habitat.

Coastal Sage Scrub and Eucalyptus Grove Habitat - Given the variation of habitats found on the Property, much of the same bird species that were observed foraging within the non-native and native grasslands can be found foraging and seeking shelter within the trees and shrubs provided by the coastal sage scrub and eucalyptus groves. Given this variation in habitat many different burrows were found in these areas providing an abundance of food for various predatory mammals as well as raptor species. Given the tall stands of eucalyptus trees, varies species of raptor are likely to roost on the Property. A pair of great horned owls were seen perched in a eucalyptus tree on the west side of the Property.

Pickleweed Marsh/Seasonal Wetland Habitat - This habitat allows for a different subset of species to occur on the Property being subjected to an alkaline environment. A few species observed in this area include, but not limited to, the great egret (*Ardea alba),* great blue heron (*Ardea herodias),* and the savannah sparrow (*Passerculus sandwichensis).* Being in close proximity to the other habitat types, you will have overlap in bird and animal species.

6.3.2 Special-Status Wildlife Species

Attachment 2, Table 2 includes a list of special-status wildlife species with potential to occur on the Property. Special-status wildlife species include species listed as Rare, Threatened, or Endangered by the USFWS (2010b & 2010c), as well as those species covered by the MBTA, or those species given special protection by the State of California (CDFG 2010b).

The search and review of the CNDDB database reports revealed the occurrence of special-status species that could potentially occur in the habitats observed on the Property. In addition, several state-protected raptors could forage and potentially nest within and adjacent to the Property. Attachment 2, Table 2 provides a summary of the species, their status, and habitat requirements. For the analysis of the site, the following specific discussions on the special-status wildlife included the following species (Attachment 1, Figure 5):

INVERTEBRATES

Monarch Butterfly (*Danaus plexippus*).

The Monarch butterfly (*Danaus plexippus*) is a milkweed butterfly (subfamily Danainae), in the family Nymphalidae. Its wings are orange and black pattern, with a wingspan of 8.9–10.2 centimetres (3½–4 in). The upper side of the wings is tawny-orange, the veins and margins are black, and in the margins are two series of small white spots. The fore wings also have a few orange spots near the tip. The underside is similar but the tip of the fore wing and hind wing are yellow-brown instead of tawny-orange and the white spots are larger. The male has a black patch of androconial scales responsible for dispersing pheromones on the hind wings, and the black veins on its wing are narrower than the female's. The male is also slightly larger. The eggs are creamy white and later turn pale yellow. They are elongate and subconical, with approximately 23 longitudinal ridges and many fine traverse lines. The caterpillar is banded with yellow, black, and white stripes. The head is also striped with yellow and black. There are two pairs of black filaments, one pair on each end of the body. The caterpillar will reach a length of 5 cm (2 in). The Monarch is famous for its southward migration and northward return in summer from Canada to Mexico and Baja California.

Two occurrences of this species have been recorded by the CNDDB, but not in recent years. Both occurrences were recorded on January 4, 1998 (Occurrence #324 and #244). Occurrence #324 was recorded 420 feet to the north of the Property and occurrence # 244 was recorded 1.92 miles to the northeast of the Property. During the survey conducted on February 16, 2012 Monarch butterflies were observed in large numbers on the Property. They were observed in the eucalyptus grove on the north side of the Property. This species is **present** on the Property.

BIRDS

Burrowing Owl (*Athene cunicularia*). Federal Species of Special Concern, California Species of Special Concern.

The U.S. Fish and Wildlife Service has identified the burrowing owl is as a "candidate" species. Candidate species are animals and plants that may warrant official listing as threatened or endangered, but there is no conclusive data to give them this protection at the present time. As a candidate species, burrowing owls receive no legal protection under the Endangered Species Act (ESA). However, this species does receive some legal protection from the U.S. through the Migratory Bird Treaty Act, which forbids the destruction of the birds and active nests. In California, the burrowing owl considered a "species of special concern."

Burrowing owls are ground dwelling members of the owl family and are small brown to tan colored birds with bold spots and barring. Burrowing owls generally require open annual grassland habitats in which to nest, but can be found on abandoned lots, roads, airports, and other urban areas. Burrowing owls generally use abandoned California ground squirrel holes for their nesting burrow, but are also known to use pipes or other debris for nesting purposes. Burrowing owls prefer annual grassland habitats with low vegetative cover with 30% or less canopy cover. The breeding season

for burrowing owls occurs from March through August. Burrowing owls often nest in loose colonies about 100 yards apart. They lay three to twelve eggs from mid-May to early June. The female incubates the clutch for about 28 days, while the male provides her with food. The young owls begin appearing at the burrow's entrance two weeks after hatching and leave the nest to hunt for insects on their own after about 45 days. The chicks can fly well at six weeks old.

The most recent occurrence of this species within the vicinity of the site occurred on January 25, 2005 (Occurrence #946), near Lake Port Drive in Hayward, roughly 4.96 miles to the north of the Property (Attachment 1, Figure 5). The majority of habitat on the Property has more than 30% canopy cover for the exception of the west portion of the Property which contains non-native and native grassland habitat. Much of the quarry is a high use area not allowing adequate time for ground squirrel to create a burrow. However the western portion of the Property consisting of non-native and native grassland habitat is suitable habitat for burrowing owls to occur and significant amount of ground squirrel burrows did exist in this region. Therefore this Property is moderately suitable to support this species. Burrowing owls were not observed nor were any sign (i.e. white wash, pellets, kill site) of them observed during the February 2012 survey. Burrowing owls may occur on the Property.

Cooper's Hawk (*Accipiter cooperii*). State Species of Special Concern

The Cooper's hawk is a medium-sized hawk with the average size of an adult male ranges from 220 to 410 g (7.7–14.5 oz) with a length between 35 and 46 cm (14–18 in). The adult male is significantly smaller than the average female, which are 330 to 680 g (11.7–24 oz) and 42 to 50 cm (17–20 in) long. Its wingspan ranges from 62 to 90 cm (25–36 in). Both male and females have short rounded wings and a very long tail with dark bands, round-ended at the tip. Adults have red eyes and have a black cap, with blue-gray upper parts and white under parts with fine, thin, reddish bars. Their tail is blue gray on top and pale underneath, barred with black bands. The Cooper's Hawk occur in various types of mixed deciduous forests and open woodlands, including small woodlots, riparian woodlands in dry country, open and pinyon woodlands, and forested mountainous regions and also now nests in many cities. They prey almost primarily on small to mid-sized birds.

The most recent occurrence of this species within the vicinity of the Property occurred on June 6, 2006 (Occurrence #111) roughly 7.32 mile to the east, located adjacent to Niles Canyon Road in Fremont. During the February 2012 survey a Cooper's hawk was seen flying overhead. Though no nests were found during the February 2012 survey this species is **present** and is using the Property in a foraging capacity.

White-Tailed Kite (*Elanus leucurus*). Federal Species of Concern, CDFG: Fully Protected.

The white-tailed kite is falcon-shaped with a long white tail. This raptor has black patches on the shoulders that are highly visible while the bird is flying or perching. White-tailed kites forage in annual grasslands, farmlands, orchards, chaparral, and at the edges of marshes and meadows. They are found nesting in trees and shrubs such as willows (*Salix* sp.), California sycamore (*Platanus racemosa*), and live oak (*Quercus agrifolia*) often near marshes, lakes, rivers, or ponds. This raptor

often hovers while inspecting the ground below for prey. Annual grasslands are considered good foraging habitat for white-tailed kites, which will forage in human-impacted areas.

The most recent occurrence of this species within the vicinity of the site occurred on April 15, 2004 (Occurrence #80), located near Sytax Court in San Jose, roughly 10.10 miles to the southeast. The white-tailed kite could potentially nest within the eucalyptus trees on the Property. This species is known to forage within grasslands, wetland and riparian areas. This species was not observed during the February 2012 survey, but may occur.

Western Snowy Plover (*Charadrius alexandrinus nivosus*). Federally Threatened.

The western snowy plover is a small wader 15–17 cm (5.9–6.7 in) long. Its breast band is never complete, and usually just appears as dark lateral patches on the sides of the breast. The Snowy Plover's upperparts are grayish brown and the under parts white in all plumages. The breast markings are black in summer adults, otherwise brown. Breeding males of some races have a black forehead bar and a black mask through the eye. The legs are black. In flight, the flight feathers are blackish with a strong white wing bar. Their food consists of insects and other invertebrates, which are obtained by a run-and-pause technique. The Snowy Plover breeds on sandy coasts and brackish inland lakes, and is uncommon on fresh water. It nests in a ground scrape and lays three to five eggs.

The CNDDB records three occurrences within the vicinity of the Property. The first sighting occurred in 2009 with an unknown month and day (Occurrence #127) located 9.0 miles to the southeast adjacent to Milo Court in Sunnyvale. The second sighting occurred on January 9, 2002 (Occurrence #128) located 5.78 miles to the southeast of the Property located just north of the Palo Alto Municipal Golf Course in a wetlands area. The third sighting (Occurrence #136) was located approximately 5.13 miles to the north of the Property adjacent to Baumberg Avenue in an open field. This species was not identified during the February 2012 survey. This Property offers moderately suitable habitat for the western snowy plover, however; this species is easily agitated and due to the high use of the area by large machinery and adjacent trail system this species is presumed absent from the site.

Northern Harrier (*Circus cyaneus)* State Species of Special Concern

Formerly known as the marsh hawk, the northern harrier is a slender, medium-sized raptor with a long, barred tail and distinctive white rump. It has an owl-like facial disk that is visible at close range. Harriers are unusual in that there is a greater difference between male and female plumage than is typical of raptors. Females are brown above with varying degrees of brown and buff streaking below. Males are gray above with an unmarked lighter color below; they also have black wingtips. Juveniles are brown above and plain orange-brown below. The northern harrier prefers open country, like grasslands, steppes, wetlands, meadows, cultivated areas, and tundra. Unlike most hawks, harriers can use their sense of hearing to help locate prey and can be seen standing on the ground for long periods to see or hear for any signs of prey.

The CNDDB has listed one occurrence in the last ten years within the vicinity of the Property recorded on April 17, 2004 (Occurrence #33) 5.27 miles to the southwest located near Faber-

Laumeister Trail in East Palo Alto. This Property has moderately suitable habitat. This species was not identified during the February 2012 survey, however; due to the large amount of open space neighboring the Property, the northern harrier may occur on the Property in a foraging capacity.

Alameda Song Sparrow (*Melospiza melodia pusillula*) State Species of Special Concern

The Alameda song sparrow have brown upperparts with dark streaks on the back and are white underneath with dark streaking and a dark brown spot in the middle of the breast. They have a brown cap and a long brown rounded tail. Their face is grey with a streak through the eye. They are the yellowest of the song sparrow sub species and are paler than the *samuelis* sub-species. Although they are a habitat generalist, their favorite habitat is brushy areas and marshes, including salt marshes. These birds forage on the ground, in shrubs or in very shallow water. They mainly eat insects and seeds. Birds in salt marshes may also eat small crustaceans. They nest either in a sheltered location on the ground or in trees or shrubs.

There has been two CNDDB listing of this species in the vicinity of the Property, the first sighting occurred on May 5, 2004 (Occurrence #15) roughly .52 miles to the southeast located near Marshlands Road in Don Edwards San Francisco Bay National Wildlife Refuge. The second sighting occurred on May 14, 2005 (Occurrence #16) roughly .81 miles to the southwest along California 84, Dumbarton Bridge. This species was not identified during the February 2012 survey however, this Property contains suitable habitat. Therefore, this species may occur.

MAMMALS

San Francisco Woodrat (*Neotoma fuscipes annectens)* State Species of Special Concern

The San Francisco woodrat is a subspecies of the dusky footed woodrat found in forest and shrubland communities. They are a medium-sized rodent ranging from 200-400 grams. The head and body length range from 7.6 to 9 inches long with a tail length of 6.5 to 8.5 inches long. The body coloring is brownish gray with white/gray underside and white/dusky coloring on the feet. Woodrats have hairy brown tail usually with lighter underside, and large ears. This species of woodrat is known for their large terrestrial stick houses. Their stick nests can range in size from 2 to 5 feet in height and 4 to 8 feet in basal diameter. Houses are typically placed on the ground against or straddling a log or exposed roots of a standing tree, and, often located in dense brush.

There have been two sightings listed by the CNDDB within the last ten years. The first sighting was recorded on August 6, 2006 (Occurrence #6) roughly 1.97 miles to the east along Niles Canyon Road in Sunol. The second sighting occurred on June 1, 2006 (Occurrence #11) along Cowin Road in Castro Valley. This species was not identified nor were its stick nests identified during the February 2012 survey. This species is presumed absent from the site.

REPTILES

Alameda Whipsnake (*Masticophis lateralis euryxanthus*) State and Federally Threatened

The Alameda whipsnake (or Alameda striped racer) is a slender, fast-moving, and diurnal snake with a narrow neck and a relatively broad head with large eyes. The dorsal surface is colored sooty black with a distinct yellow-orange stripe down each side. The anterior portion of the ventral surface is orange-rufous colored, the midsection is cream colored, and the posterior and the tail are pinkish. Adults range in length from three to four feet. These snakes hold their head high off of the ground to peer over grass or rocks for potential prey and are an active diurnal predator. Its diet includes lizards, small mammals, snakes, and nesting birds. The Alameda whipsnake is typically found in northern coastal scrub, coastal sage scrub and chaparral plant communities, but it may also occur in adjacent grasslands and oak and oak/bay woodlands. They demonstrate a preference for open-canopy stands and habitats with woody debris and exposed rock outcrops, and they tend to be found on southeast, south, and southwest facing slopes.

There have been eleven occurrences of the Alameda whipsnake recorded by the CNDDB within the last ten years that occur within the vicinity of the Property. Due to the sensitivity of the species, exact GPS locations are not given. The most recent sighting occurred on June 6, 2010 in the Niles quad. While coastal sage scrub plant communities occur on the Property, this habitat is physically separated from all recorded locations of the Alameda whipsnake which occur east of Fremont. This species was not observed during the February 2012 survey and would not be expected to occur on the Property. Due to the immediate surrounding area being highly fragmented with Dumbarton Bridge to the south and Paseo Padre Parkway to the east and also having very minimal habitat due to past quarry activity, this species is presumed absent from the Property.

7.0 CONCLUSIONS

7.1 Wetlands

Olberding Environmental biologists observed a seasonal wetland feature on Property during the February 2012 survey (see Attachment 3). A seasonal wetland was identified in the northeastern corner of the Property. This feature exhibited positive indicators of wetland soils, hydrology, and vegetation. Based on the results of our reconnaissance survey, the seasonal wetland contains all criteria used by the Corps to determine wetland status.

7.2 Special-Status Plants

Seven special-status plant species were identified by the CNDDB as having the potential to occur on the Property based on historic occurrences information and the presence of suitable habitats and soil types. However, after reviewing the available literature and performing our reconnaissance survey only two of these plants (Congdon's tarplant, and saline clover) were identified as having the potential to occur on the Property. The rational for potential occurrence was associated with the close proximity of historic occurrences of both species (less than 1.4 miles away). While our

February 2012 survey resulted in a negative finding for all seven special-status species it should be noted that the survey was conducted outside of the recognized blooming or survey season for all of the species. The remaining five CNDDB identified special-status plant species were eliminated from further review due to the lack of recent occurrences within the vicinity of the Property and presence of marginal habitat suitability.

7.3 Special-Status Wildlife

Foraging or Nesting Raptor/Bird Species – The habitats on and adjacent to the Property provides suitable foraging habitat for a variety of raptor and migratory bird species. While no nesting activity was observed during the February 2012 survey there are suitable nesting trees to the north and west. A pair of red-tailed hawks, great horned owl pair, and a single Cooper's hawk were **observed** during the survey. In addition, several small mammal burrows were observed throughout the survey, offering areas where a burrowing owl could potentially nest. One occurrence of this species has been made within a five mile radius of the site in the last ten years. Neither the burrowing owl nor secondary evidence of their occupancy was observed during the survey. However, they do have the potential to occur on Property.

Special-Status Reptile Species – The Alameda whipsnake is the only CNDDB recorded reptile to occur in the vicinity of the Property. While the CNDDB has recorded eleven occurrences of this species within the Nile quadrangle map in the last ten years, all occur in the hills east of Fremont. The Property is physically isolated from know Alameda whipsnake habitat. This species is presumed to be absent from the Property.

Special-Status Mammal Species –The San Francisco woodrat is the only special-status mammal to be identified by the CNDDB as having the potential to occur on or in the vicinity of the Property. This species is presumed to be absent from the Property due to the lack of recent occurrences within the vicinity of the site. Additionally, no evidence of this species such as tracks or stick nests was observed during the February 2012 survey.

7.4 City of Fremont Tree Ordinance

(a) When a private protected tree's removal is authorized in accordance with this chapter, mitigation shall be required as follows:

> (1) Required mitigation for each tree removed shall be the planting of one twenty-four-inch box replacement tree, except for a single-family home a fifteen-gallon replacement tree shall be planted, of a species and in a location approved by the person or entity imposing mitigation requirements under this chapter. When, because of lot size, configuration or development, the Property cannot fully accommodate the mitigation that would otherwise be required under this subsection (a)(1), the applicant shall pay the city a fee in lieu of on-site replacement for each tree that is not replaced on site. The amount of the fee shall be equal to the per unit cost to the city for a planted twenty-four-inch box tree as established by the city's last award of a contract following a competitive bid for such work.

(2) Replacement requirements for trees removed from a lot which is the subject of a development project application shall be imposed in addition to any requirement for planting trees that would otherwise be imposed as a condition of project approval.

(3) Replacement trees shall be planted in accordance with standard details that are on file with the engineering division of the city. (The City of Fremont, 2012)

8.0 RECOMMENDATIONS

Mitigation Measure 1: In order to determine the presence or absence of jurisdictional waters of the U.S. and State, a formal wetland delineation shall be performed by a qualified wetland consultant and submitted to the USACE for verification if project related activities are to affect potential wetland or water features. A copy of the formal jurisdictional delineation report and map and USACE verification letter will be provided to the City of Fremont.

Mitigation Measure 2: If jurisdictional waters or wetlands are present on the site, the project sponsor shall obtain permits under Sections 401 and 404 of the Clean Water Act prior to all grading or ground disturbance work. These permits, administered by the RWQCB and USACE, respectively, would identify specific mitigation measures to be imposed on the project as permit conditions. A Wetland Mitigation and Monitoring Plan shall be prepared and submitted for agency review. Detailed wetland protection, replacement, and restoration plans shall be prepared by a qualified wetland restorationist hired by the City of Fremont and paid for by the project sponsor. The plans shall accurately identify the total wetlands and other jurisdictional areas affected by the project. The plans shall provide for re–establishment, enhancement, and/or replacement of wetland habitat and vegetation, and be approved by the regulatory agencies; in certain instances, cash contributions earmarked specifically for wetland creation, enhancement or restoration offsite may be deemed appropriate and acceptable to the regulatory agencies. Wetland mitigation areas shall be monitored for no less than five years following completion or as otherwise specified in the permit conditions. Annual reports shall be submitted to the City of Fremont, USACE, and RWQCB. Additionally, the City of Fremont shall ensure that all mitigation areas, along with an appropriate upland buffer, be placed in a permanent conservation easement, or similar deed restriction, and preserved in perpetuity. Prior to the issuance of grading permits by the City of Fremont, the project sponsor shall provide evidence of the required approvals from the USACE and RWQCB.

Mitigation Measure 3: Two special-status plant species (Congdon's tarplant, and saline clover) were identified as having the potential to occur on the Property. Focused plant surveys shall be performed for these species during the appropriate blooming or survey period which is identified as May-October for the Congdon's tarplant and April-June for the saline clover. In order to provide a presence/absence determination, a single survey shall be performed in April, May and June. A survey report shall be prepared by a qualified botanist and submitted to the City of Fremont.

Mitigation Measure 4: Any trees that need to be removed shall be felled outside of the general bird nesting season (February 1 through August 31), or a pre–construction bird nesting survey shall be conducted prior to tree removal by a qualified biologist. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of demolition/construction activities; if conducted during the late part of the breeding

season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. A pre-construction report will be prepared and a copy submitted to the City of Fremont. If active nests are identified, a 250–foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Game) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during all earth–moving activity near the buffer zone to make sure that grading does not enter the buffer area.

Mitigation Measure 5: To avoid impacts to monarch butterflies all eucalyptus tree removal should occur outside the migratory season for this species. Any trees that need to be removed shall be felled outside of the general monarch butterfly migratory or wintering season (October 1 through February 28), or a pre–construction butterfly use survey shall be conducted no more than 14 days prior to tree removal by a qualified biologist. A pre-construction report shall be prepared by a qualified biologist and submitted to the City of Fremont.

Mitigation Measure 6: Tree Removal Documentation and Mitigation Replacement - The applicant must comply with the tree ordinance for the city of Fremont. This ordinance defines heritage trees and open space and makes it unlawful to remove or prune heritage trees without a permit from the County. Any removed trees must be replaced. Should any trees on the Property require removal or pruning; an arborist must first survey the site and collect dbh measurements to determine the heritage status of the on-site trees (City of Fremont 2012).

Mitigation Measure 7: The project sponsor shall obtain a General Construction Activity Stormwater Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the standards provided in the Association of Bay Area Governments' Manual of Erosion and Sedimentation Control Measures to help stabilize graded areas and reduce erosion and sedimentation. The plan shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion–minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.

9.0 LITERATURE CITED

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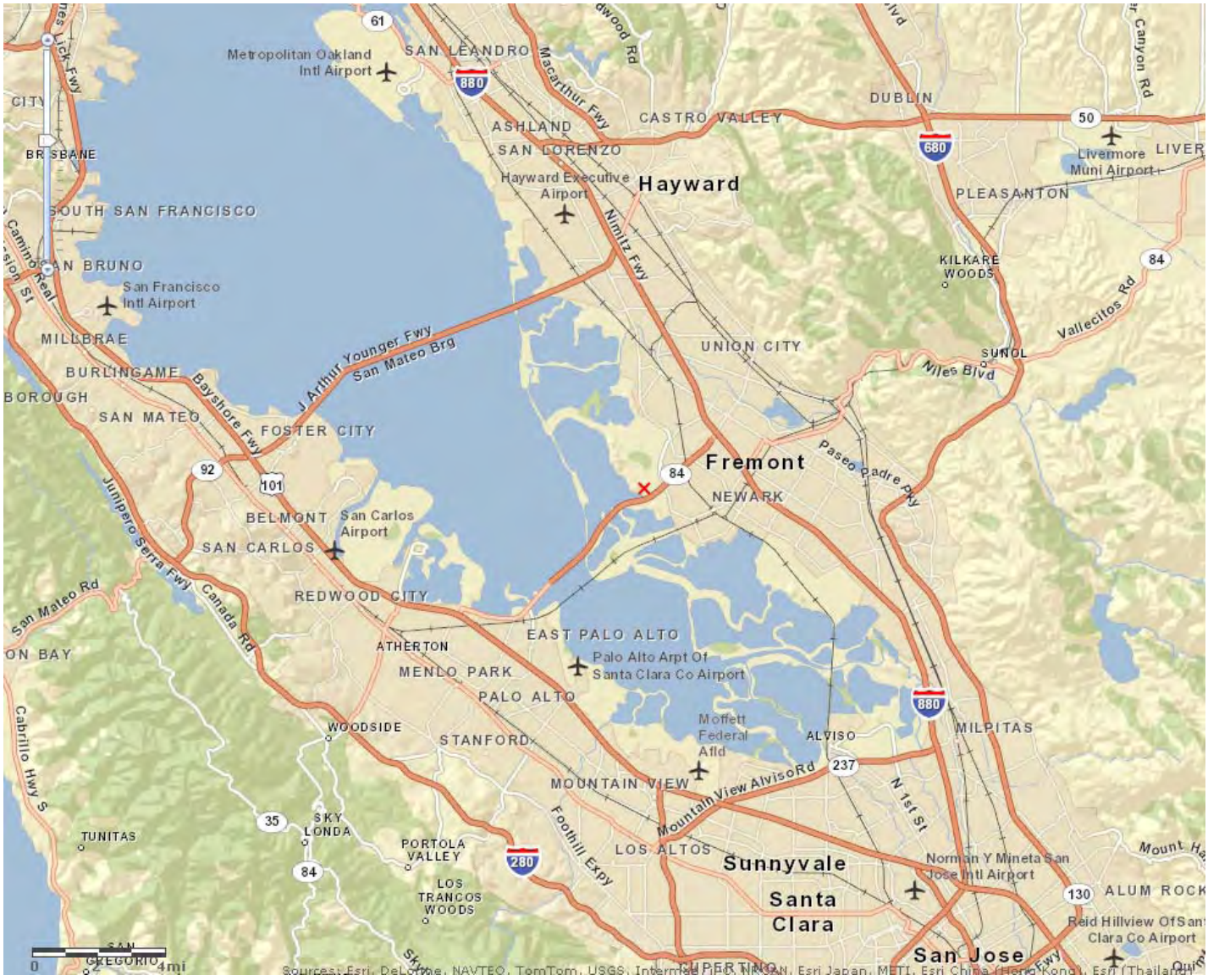
ATTACHMENTS

ATTACHMENT 1
FIGURES

Figure 1 Regional Map
Figure 2 Vicinity Map
Figure 3 USGS Quadrangle Map for Newark
Figure 4 Aerial Photograph
Figure 5 CNDDB Map of Special-Status Animals
Figure 6 CNDDB Map of Special-Status Plants
Figure 7 Soils Map

Figure 1
Regional Map



Olberding Environmental, Inc.
3170 Crow Canyon Place, Suite 260
San Ramon, California 94583
Phone: (925) 866-2111

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Figure 1
Regional Map of the Dumbarton Quarry Property
Alameda County, California

Figure 2
Vicinity Map

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3170 Crow Canyon Place, Suite 260
San Ramon, California 94583
Phone: (925) 866-2111

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Figure 2
Vicinity Map of the Dumbarton Quarry Property
Alameda County, California

Figure 3
USGS Quadrangle Map for
Newark

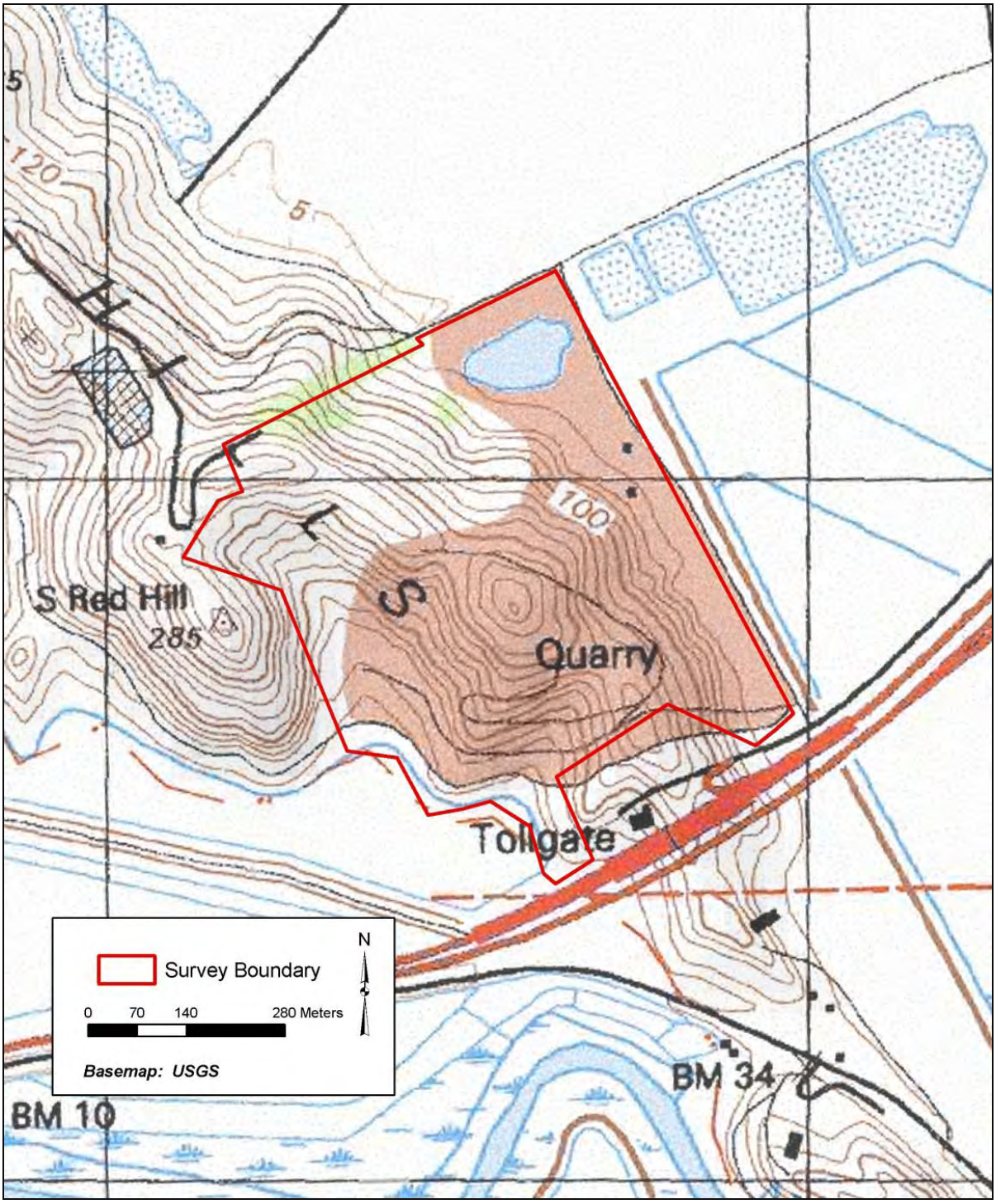

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Figure 3
USGS Quadrangle Map of the Dumbarton Quarry Property
Newark Quadrangle
Alameda County, California

Figure 4
Aerial Photograph

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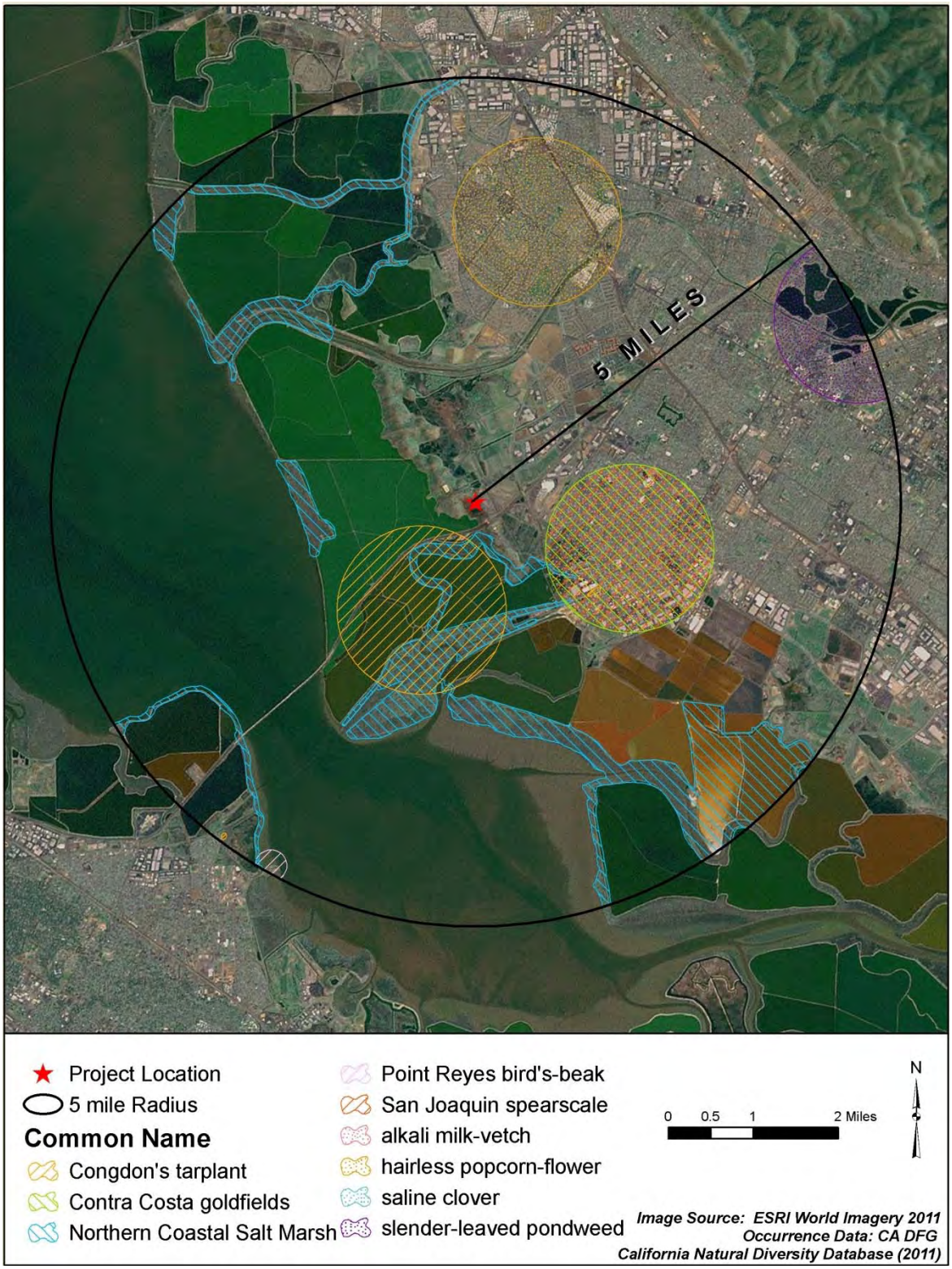
Figure 4
Aerial Photo of the Dumbarton Quarry Property
Alameda County, California

Figure 5
Map of CNDDB Reports of Special-Status Plants



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San Ramon, California 94583
Phone: (925) 866-2111

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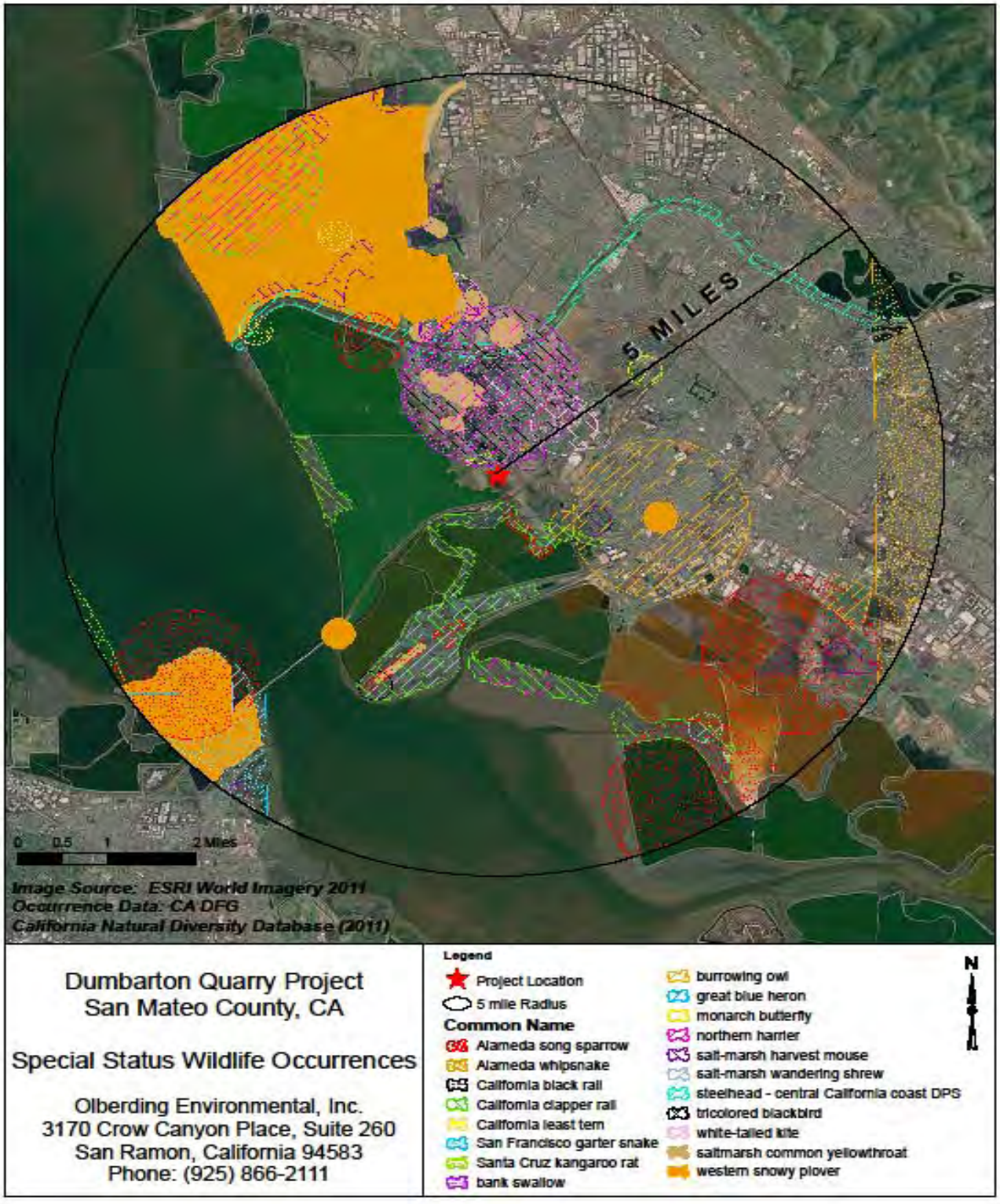
Figure 5
CNDDB Map of Special-Status Plants Near the Dumbarton Quarry Property Within a 5-Mile Radius and Within the Last 10 Years
Alameda County, California

Figure 6
Map of CNDDB Reports of Special-Status Animals



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San Ramon, California 94583
Phone: (925) 866-2111

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Figure 6
CNDDB Map of Special-Status Animals Near the Dumbarton Quarry Property Within a 5-Mile Radius and Within the Last 10 Years
Alameda County, California

Figure 7
Soils Map

Santa Clara County, California		
Map Unit Symbol	**Percentage within Property**	**Map Unit Name**
110	35.0%	Contra Costa clay loam/ 30 to 50 percent slope
133	6.9%	Pescadero clay, drained
134	1.2%	Pescadero clay, ponded
138	0.3%	Reyes clay, ponded
142	39.3	Quarry
153	15.3	Vallecitos-Rock outcrop complex, 30-50 percent slopes

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3170 Crow Canyon Place, Suite 260
San Ramon, California 94583
Phone: (925) 866-2111

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Figure 7
Soils Map of the Dumbarton Quarry Property
Alameda County, California

ATTACHMENT 2
TABLES

Table 1
Plant and Wildlife Species Observed Within/Adjacent to the Survey Area

Table 1 Plant and Wildlife Species Observed Within/Adjacent to the Survey Area	
Scientific Name	**Common Name**
Plant Species Observed (*denotes naturalized species)	
*Acacia dealbata**	Silver wattle
*Acacia melanoxylon**	Blackwood acacia
Achillea millefolium	Common yarrow
Amsinckia sp.	Fiddleneck
*Anagallis arvensis**	Scarlet pimpernel
Artemisia californica	California sagebrush
Atriplex sp.	
*Avena barbata**	Slender wild oat
*Avena fatua**	Wild oat
Baccharis pilularis	Coyote brush
*Brassica nigra**	Black mustard
*Briza minor**	Little rattlesnake grass
*Bromus diandrus**	Rip-gut brome
*Bromus hordeaceus**	Soft chess
Bromus madritensis ssp. *rubens**	Red brome
Calocedrus decurrens (planting)	Incense cedar
Cardamine oligosperma	Bitter-cress
*Carduus pycnocephalus**	Italian thistle
Chlorogalum sp.	Soap plant
*Cirsium vulgare**	Bull thistle
*Conium maculatum**	Poison hemlock
*Cortaderia selloana**	Pampas grass
*Dactylis glomerata**	Orchard grass
Distichlis spicata	Salt grass
*Dittrichia graveolens**	Stinkweed
Elymus [*Elytrigia*] *sp.**	Wheat grass
Epilobium brachycarpum	Annual fireweed
Eriogonum fasciculatum	California buckwheat
Eriogonum sp. (likely *E. nudum*)	Buckwheat
*Erodium botrys**	Filaree
*Erodium cicutarium**	Red-stem filaree
Eschscholzia sp.	Poppy
*Eucalyptus globulus**	Blue gum
Euphorbia crenulata	Chinese caps
Euthamia occidentalis	Western goldenrod
Festuca [*Lolium*] *perennis**	Perennial rye grass
Festuca **[***Vulpia*] *myuros**	Rat-tail fescue
*Foeniculum vulgare**	Sweet fennel
Frangula [*Rhamnus*] *californica* (planting)	California coffeeberry
Frankenia salina	Alkali heath
*Geranium dissectum**	Cut-leaf geranium

Table 1 **Plant and Wildlife Species Observed Within/Adjacent to the Survey Area**	
Scientific Name	**Common Name**
Plant Species Observed **(*denotes naturalized species)**	
*Geranium molle**	Crane's bill geranium
Heteromeles arbutifolia	Toyon
Heterotheca grandiflora	Telegraph weed
*Hirschfeldia incana**	Shortpod mustard
Hordeum marinum ssp. *gussoneanum**	Mediterranean barley
*Hypochaeris glabra**	Smooth cat's-ear
*Juglans regia**	English walnut
Juniperus sp. (planting)	Juniper
*Lactuca serriola**	Prickly lettuce
*Lepidium latifolium**	Perennial pepperweed
Madia sp.	Madia
*Malva parviflora**	Cheeseweed
*Marrubium vulgare**	White horehound
*Medicago polymorpha**	California bur-clover
*Melilotus indicus**	Sour clover
Nicotiana glauca	Tree tobacco
Olea europaea	Olive
*Picris echioides**	Bristly ox-tongue
Pinus sp. (planting)	Pine
*Piptatherum mileaceum**	Smilo grass
*Plantago lanceolata**	English plantain
*Poa annua**	Annual bluegrass
*Polygonum arenastrum**	Common knotweed
*Polypogon monspeliensis**	Rabbit's-foot grass
Populus fremontii (planting)	Fremont's cottonwood
Populus sp. (planting)	Hybrid poplar
Pseudognaphalium [*Gnaphalium*] sp.	Cudweed
Quercus agrifolia	Coast live oak
*Rumex crispus**	Curly dock
Salicornia pacifica	Pickleweed
Salix lasiolepis	Arroyo willow
*Senecio vulgaris**	Common groundsel
*Silybum marianum**	Milk thistle
*Sonchus asper**	Spiny sow-thistle
*Sonchus oleraceus**	Common sow-thistle
Stipa [*Nasella*] sp. (likely *S. pulchra*)	Needlegrass
Trifolium hirtum	Rose clover
Vicia sativa spp. *sativa**	Spring vetch

Table 1 Plant and Wildlife Species Observed Within/Adjacent to the Survey Area	
Scientific Name	**Common Name**
Animal Species Observed	
Birds	
Accipiter cooperii	Cooper's Hawk
Anas platyrhynchos	Mallard duck
Aphelocoma californica	Western scrub jay
Ardea herodias	Great blue heron
Branta canadensis	Canada goose
Bubo virginianus	Great horned owl
Buteo jamaicensis	Red tailed hawk
Calypte anna	Anna's hummingbird
Carduelis psaltria	Lesser golden finch
Carpodacus mexicanus	House finch
Cathartes aura	Turkey vulture
Corvus brachyrhynchos	American crow
Junco hyemalis	Dark-eyed junco
Larus californicus	California gull
Melospiza melodia	Song sparrow
Melozone crissalis	California Towhee
Mimus polyglottos	Northern Mockingbird
Oreothlypis celata	Orange crowned warbler
Passerculus sandwichensis	Savannah sparrow
Picoides nuttallii	Nuttall's woodpecker
Pipilo maculatus	Spotted towhee
Psaltriparus minimus	Bushtit
Sayornis nigricans	Black phoebe
Setophaga coronata	Yellow-rumped warbler
Sialia mexicana	Western bluebird
Sturnus vulgaris	European starling
Tachycineta bicolor	Tree Swallow
Thryomanes bewickii	Bewick's wren
Zenaida macroura	Mourning dove
Zonotrichia leucophrys	White crowned sparrow
Mammals	
Procyon lotor	Raccoon
Vulpes vulpes	Red fox
Thomomys bottae	Botta's pocket gopher
Microtis sp.	Vole
Peromyscus sp.	Field mouse
Sciurus carolinensis	Eastern gray squirrel
Odocoileus virginianus	White-tailed deer
Lepus californicus	Black-tailed jackrabbit
Mephitis mephitis	Striped Skunk
Reptiles	
Sceloporus occidentalis	Western fence lizard

Table 2
Special-Status Species for the Dublin, Hayward, Milpitas, Mountain View, Newark, and Niles 7.5 Minute Quadrangle Maps

Table 2
Special-Status Species for the Dublin, Hayward, Milpitas, Mountain View, Newark, and Niles 7.5 Minute Quadrangle Maps[1]

Common Name/ Scientific Name	Status (Fed/State/ CNPS)[2]	Blooming or Survey Period	Habitats of Occurrence	Potential on Site	Status on Site**
PLANTS					
Alkali Milk-Vetch *(Astragalus tener car. Tener).*	-/-/1B	March –June	Playas, valley and foothill grasslands (adobe clay), vernal pools/alkaline	Low	Not Likely to Occur
Brittlescale (*Atriplex depressa)*	-/-/1B	April – October	Chenopod scrub, meadows and seeps, playas valley and foothill grassland vernalpools/alkaline, clay	Low	Not Likely to Occur
San Joaquin spearscale *(Atriplex joaquiniana)*	-/-/1B	April – October	Chenopod scrub, meadows and seeps, Playas, valley and foothill grasslands/alkaline	Low	Not Likely to Occur
Lesser Saltscale *(Atriplex minuscule)*	-/-/1B	May – October	Chenopod scrub, playas, valley and foothill grassland/alkaline and sandy	Low	Not Likely to Occur
Big-Scale Balsamroot *(Balsamorhiza macrolepis var. macrolepis)*	-/-/1B	March-June	Chaparral, cismontane woodland, valley and foothill grasslands, sometimes serpentine	No	Presumed Absent
Chaparral Harebell *(Campanula exigua)*	-/-/1B	May – June	Chaparral (rocky, usually serpentine)	No	Presumed Absent
Congdon's Tarplant *(Centromadia parryi ssp. congdonii)*	-/-/1B	May – October	Valley and foothill grasslands (alkaline)	Yes	May Occur
Point Reyes Bird's-Beak *(Chloropyron maritimum ssp. palustre)*	-/-/1B	June-October	Marshes and swamps	No	Presumed Absent
Robust Spineflower *(Chorizanthe robusta var. robusta)*	E/-/1B	April-September	Chaparral (maritime), cismontane woodland (openings), coastal dunes, coastal scrub/sandy or gravelly.	No	Possibly Extirpated
Santa Clara Red Ribbons (*Clarkia concinna* ssp. a*utomixa*)	-/-/4	May – June	Cismontane woodland, chaparral, on slopes and near drainages.	No	Presumed Absent

Table 2
Special-Status Species for the Dublin, Hayward, Milpitas, Mountain View, Newark, and Niles 7.5 Minute Quadrangle Maps[1]

Common Name/ Scientific Name	Status (Fed/State/ CNPS)[2]	Blooming or Survey Period	Habitats of Occurrence	Potential on Site	Status on Site**
Hoover's Button-Celery *(Eryngium aristulatum var. hooveri)*	-/-/1B	July(August)	Vernal pools	No	Presumed absent
Fragrant Fritillary (*Fritillaria liliacea*)	-/-/1B	February – April	Cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grasslands, and often in serpentine soils.	No	Presumed Absent
Diablo helianthella *(Holocarpha macradenia)*	-/-/1B	March-June	Broadleafed upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland.	No	Presumed Absent
Santa Cruz Tarplant *(Holocarpha macradenia)*	T/E/1B	June-October	Coastal prairie, coastal scrub, valley and foothill grassland/often clay, sandy	No	Presumed Absent
Contra Costa goldfields *(Lasthenia conjugens)*	E/-/1B	March-June	Cismontane woodland, playas (alkaline), valley and foothill grassland, and vernal pools	Low	Not Likely to Occur
Hall's bush-mallow *(Malacothamnus hallii)*	-/-/1B	May-September	Chaparral and coastal scrub	No	Presumed Absent
Woodland Woollythreads *(Monolopia gracilens)*	-/-/1B	(February) March-July	Broadleafed upland forest (openings), chaparral (openings), cismontane woodland, north coast coniferous forest (openings), valley and foothill woodland/serpentine.	No	Presumed Absent
Prostrate Vernal Pool Navarretia *(Navarretia prostrate)*	-/-/1B	April-July	Coastal scrub, meadows and seeps, valley and foothill grassland (alkaline), and vernal pools/mesic.	No	Presumed Absent
Hairless Popcorn-Flower *(Plagiobothrys glaber)*	-/-/1A	March-May	Meadows and seeps (alkaline), marshes and swamps (coastal salt).	No	Presumed Absent
Oregon Polemonium *(Polemonium carneum)*	-/-/2	April-September	Coastal prairie, coastal scrub, and lower montane coniferous forest.	No	Presumed Absent
Most Beautiful Jewel-Flower (*Streptanthus albidus* ssp. *peramoenus*)	-/-/1B	April – June	Chaparral, cismontane woodland, and valley and foothill grasslands in serpentine soils on ridges and slopes.	No	Presumed Absent

Table 2
Special-Status Species for the Dublin, Hayward, Milpitas, Mountain View, Newark, and Niles 7.5 Minute Quadrangle Maps[1]

Common Name/ Scientific Name	Status (Fed/State/ CNPS)[2]	Blooming or Survey Period	Habitats of Occurrence	Potential on Site	Status on Site**
Slender-Leaved Pondweed *(Stuckenia filiformis)*	-/R/1B	April – September	Coastal prairie, coastal scrub, and lower montane coniferous forest.	No	Presumed Absent
California seablite *(Suaeda californica)*	E/-/1B	July-October	Marshes and swamps	No	Presumed Absent
saline clover *(Trifolium hydrophilum)*	-/-/1B	April – June	Marshes and swamps, valley and foothill grasslands (mesic, alkaline), and vernal pools.	Low	May Occur
INVERTEBRATES					
Monach Butterfly (*Danaus plexippus)*	-/-/-	Spring or Early Summer	Host plant is milkweed. Their range includes souther Canada to northern South America. A north mass migration happens annually starting in August until the first frost. Spring and summer they occur in open fields and meadows with milkweed.	Yes	Present
California linderiella *(Linderiella occidentalis)*	-/-/-	Resident	Live in large, fairly clear vernal pools and lakes. They can survive in clear to turbid water with a pH of 6.1-8.5, and they have been found in very small pools	No	Presumed Absent
Lom's Micro-Blind Harvestman (*Microcina lomi*)	-/ SOC /-	Resident	Known only from Santa Clara County on serpentine rocks in xeric, grassland habitats.	No	Presumed Absent
REPTILES					
Alameda whipsnake *(Masticophis lateralis euryxanthus)*	T/T/-C	Resident	They occur in a wide range of habitats including northern coastal sage scrub, coastal sage scrub, and chaparral communities.	No	Presumed Absent
BIRDS					
Cooper's Hawk (*Accipiter cooperii*)	-/CP/-	February – August	Oak woodlands, coniferous forests, riparian corridors. Often hunts on edges between habitats.	Yes	Present
Tricolored Blackbird *(Agelaius tricolor)*	-/SOC/-	Resident	Cattail marshes, rice fields, agriculture fields with high water and food availability.	Low	Not Likely to Occur

Table 2
Special-Status Species for the Dublin, Hayward, Milpitas, Mountain View, Newark, and Niles 7.5 Minute Quadrangle Maps[1]

Common Name/ Scientific Name	Status (Fed/State/ CNPS)[2]	Blooming or Survey Period	Habitats of Occurrence	Potential on Site	Status on Site**
Golden Eagle *(Aquila chrysaetos)*	-/CP/-	February – August	Habitats with plenty of open grassland, scrubland or prairie to hunt. They can occur in a variety of altitudes from mountains to coastal regions. They use rock faces for nesting typically far from human development.	No	Presumed Absent
Great Blue Heron (*Ardea herodias*) ROOKERIES	-/CP/-	February – August	(Rookery) Nests in tall trees in close proximity to foraging areas such as marshes and streams.	No	Presumed Absent
Burrowing Owl (*Athene cunicularia*)	SOC/-/SC	February – August	Dry open annual or perennial grassland, desert and scrubland. Uses abandoned mammal burrows for nesting.	Moderate	May Occur
Red-Tailed Hawk (*Buteo jamaicensis*)	-/CP/-	February – August	Various grassland habitats, urban land, oak woodlands with grassland for foraging.	Yes	Present
Red-Shouldered Hawk (*Buteo lineatus*)	-/CP/-	February – August	Forages in variety of semi-developed habitats including orchards. Forages in woodlands and riparian areas. Nests in riparian habitat but also eucalyptus groves.	High	May Occur
Western Snowy Plover *(Charadrius alexandrinus nivosus)*	-/T/-	February - August	Breed on coastal beaches. Plovers lay their eggs in shallow depressions in sandy or salty areas that generally do not have much vegetation.	No	Presumed Absent
Northern Harrier *(Circus cyaneus)*	-/SOC/-	February - August	Grasslands, steppes, wetlands, meadows, cultivated areas, and tundra.	Moderate	May Occur
Yellow Warbler *(Dendroica petechia brewsteri)*	-/-/-	February - August	They breed in lowland and foothill riparian dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland.	No	Presumed Absent
California Horned Lark *(Eremophila alpestris actia)*	-/-/-	February - August	Common in a variety of open habitats, usually where trees and large shrubs are absent. Can be found in open fields, grasslands, and rangelands.	No	Presumed Absent

Table 2
Special-Status Species for the Dublin, Hayward, Milpitas, Mountain View, Newark, and Niles 7.5 Minute Quadrangle Maps[1]

Common Name/ Scientific Name	Status (Fed/State/ CNPS)[2]	Blooming or Survey Period	Habitats of Occurrence	Potential on Site	Status on Site**
Snowy Egret (*Egretta thula*) ROOKERIES	-/-/-	February – August	(Rookery) Colonial nester, with nest sites situated in protected beds of dense tules. Rookery sites situated close to foraging areas: marshes, tidal-flats, streams, wet meadows, and borders of lakes.	No	Presumed Absent
White-Tailed Kite (*Elanus leucurus*)	SOC/CP/FP	February – August	Various grassland habitats, urban land, oak woodlands with grassland for foraging.	Foraging Only	May Occur
California Black Rail *(Laterallus jamaicensis coturniculus)*	-/T/-	February – August	inhabits fresh and saline marshes and wetlands	No	Presumed Absent
Alameda Song Sparrow *(Melospiza melodia pusillula)*	-/SOC/-	February – August	habitat generalist, their favorite habitat is brushy areas and marshes, including salt marshes	Moderate	May Occur
California Clapper Rail *(Rallus longirostris obsoletus)*	E/E/-	February – August	inhabits fresh and saline marshes and wetlands	No	Presumed Absent
Bank Swallow *(Riparia riparia)*	-/T/-	February – August	Rivers, streams, oceans, coasts, or reservoirs.	No	Presumed Absent
California Least Tern *(Sternula antillarum browni)*	E/E/-	February – August	Breed on broad, level expanses or open sandy or gravelly beach, dredge spoil and other open shoreline areas and more rarely on broad river valley sandbars.	No	Presumed Absent
MAMMALS					
Pallid Bat (*Antrozous pallidus*)	-/-/SC	N/A	Forages in grasslands, shrublands, deserts, forests, and woodlands. Most common in open, dry habitats. Roosts in rock crevices, caves, tree hollows, and buildings. Roosts must protect bats from high temperatures; very sensitive to disturbance of roosting sites.	No	Presumed Absent

Table 2
Special-Status Species for the Dublin, Hayward, Milpitas, Mountain View, Newark, and Niles 7.5 Minute Quadrangle Maps[1]

Common Name/ Scientific Name	Status (Fed/State/ CNPS)[2]	Blooming or Survey Period	Habitats of Occurrence	Potential on Site	Status on Site**
Hoary Bat (*Lasiurus cinereus*)	-/-/-	Resident	Prefers open habitats or habitat mosaics with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees near water. Feeds mainly on moths.	No	Presumed Absent
San Francisco Dusky-Footed Woodrat (*Neotoma fuscipes annectens*)	-/-/SC	Resident	Forest habitats of moderate canopy and moderate to dense understory, may prefer chaparral and redwood habitats. Nests constructed of grass, leaves, sticks, feathers, etc. Population may be limited by availability of nest materials.	No	Presumed Absent
American Badger (*Taxidea taxus*)	-/-/SC	Resident	Shrub, forest, and herbaceous habitats with friable soils to dig burrows. Need open, uncultivated ground. Prey on fossorial mammals.	No	Presumed Absent
San Joaquin Kit Fox (*Vulpes macrotis mutica*)	E/T/-	Resident	Annual grasslands or grassy stages with scattered shrubby vegetation. Needs loose soils for burrowing.	No	Presumed Absent

1. Special-status plants and animals as reported by the California Natural Diversity Data Base, California Native Plant Society, and other background research February 2012.
2. Order of Codes for Plants - Fed/State/CNPS
Order of Codes for Animals - Fed/State/CDFG
Codes:
SOC - Federal Species of Concern
SC - California Species of Special Concern
E - Federally/State Listed as an Endangered Species
T - Federally/State Listed as a Threatened Species
C - Species listed as a Candidate for Federal Threatened or Endangered Status
R - Rare
D - Delisted
CP- California protected
FP - State Fully Protected
DFG: SC California Special Concern species
1B - California Native Plant Society considers the plant Rare, Threatened, or Endangered in California and elsewhere.
1A - CNPS Plants presumed extinct in California.
2 - CNPS Plants Rare, Threatened or Endangered in California, but more common elsewhere.
3 - CNPS Plants on a review list to find more information about a particular species.
4 - CNPS Plants of limited distribution - a watch list.

ATTACHMENT 3
SITE PHOTOGRAPHS

Photo 1. View of the non-native ruderal annual grassland and sagebrush habitat on the Property looking north from the southwestern Property boundary.

Photo 2. View of non-native ruderal grassland and a eucalyptus grove habitat looking west from the Property.

Photo 3. View of the site looking south from the northwestern Property boundary consisting mostly of ruderal grasses. Newark slough flows to the south of the Property. There are tidal wetland areas to the north, west and south of the Property.

Photo 4. View of a small wetland feature on the northeast corner of the Property. Dominant plants surrounding the wetland area consisted of coyote brush and black mustard.